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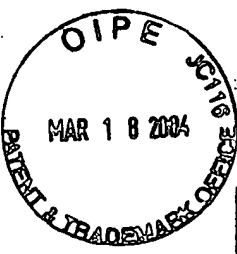
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3/22/04
Imate

IFW 1635 \$

PTO/SB/17 (10-03)
Approved for use through 7/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 55.00

Complete if Known

Application Number	09/724,425
Filing Date	November 28, 2000
First Named Inventor	John C. Reed
Examiner Name	Jane J. Zara
Art Unit	1635
Attorney Docket No.	04040/1200990-US7

METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 04-0100

Deposit Account Name Darby & Darby P.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☐ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1) (\$)					0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	-72=	Extra Claims	Fee from below	Fee Paid
Independent Claims	-36=			
Multiple Dependent				

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)				Terminal Disclaimer	55.00
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3) (\$)					55.00

SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	S. Peter Ludwig	Registration No. (Attorney/Agent)	25,351
Signature		Telephone	(212) 527-7700
		Date	March 18, 2004

Express Mail Label No.	Dated: _____
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UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/724,425 ✓ 11/28/00 REED

J 10412-026 ✓

EXAMINER

HM22/0703

LAURA A CORUZZI
PENNIE & EDMONDS LLP
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

SCHMIDT, M

ART UNIT

PAPER NUMBER

1635

DATE MAILED:

07/03/01

Amendment: 10/3/01

(64)

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

REFERRED TO <u>P. Shad</u> REC'D
JUL 06 2001
Pennie & Edmonds O.K. for filing

Office Action Summary

Application No.

09/724,425

Applicant(s)

REED, JOHN C.

Examiner

Mary Schmidt

Art Unit

1635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 8-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claims ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

KATRINA TURNER
PATENT ANALYST

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

Art Unit: 1635

DETAILED ACTION

1. Applicant's election with traverse of Group II in Paper No. 5 is acknowledged. No ground(s) for traversal were provided. Therefore, the election is treated as non-traversed.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-7 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 5, filed 5-07-01.

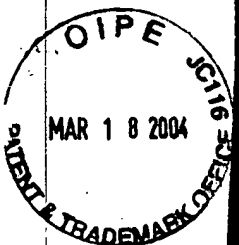
Specification

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 120 as follows:

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence of the specification (37 CFR 1.78).

In the instant case, the specification needs to be updated to include all parent cases and their current status.

3. The Brief Description of the Drawings on page 8 needs to include the sequence identifiers of the sequences in Figure 13.



Express Mail No. EL 501 636 137 US First Class Mail ()
Date Mailed November 28, 2000
Serial No.: To Be Assigned Filed: Concurrently Herewith
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Utility Patent Application Transmittal
- (X) Patent Application Fee Value (in duplicate)
- (X) Copy of application from 09/375,514, filed August 17, 1999 (with new claims 1-24)
- (X) Copy of executed Declaration from 09/375,514, filed August 17, 1999
- (X) Copy of recorded Assignment from 08/124,256, filed September 20, 1993
- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS

Express Mail No. EL 501 636 137 US First Class Mail ()
Date Mailed November 28, 2000
Serial No.: To Be Assigned Filed: Concurrently Herewith
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

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- (X) Copy of Request for Preparation of a Computer Readable Sequence Listing and Statement including a paper copy of the Sequence Listing from 09/375,514, filed August 17, 1999

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS



Express Mail No. EL 477 032 297 US First Class Mail ()
Date Mailed November 5, 2001
Serial No.: 09/724,425 Filed: November 28, 2000
Applicant: John C. REED
FOR: REGULATION OF BCL-2 GENE EXPRESSION

The stamp of the Patent Office hereon shall be taken as an acknowledgement on the date stamped receipt of the following:

- (X) Amendment Under 37 C.F.R. § 1.111
- (X) Exhibit A (marked up replacement paragraphs of specification)
- (X) Exhibit B (marked up amended claims)
- (X) Exhibit C (pending claims after entry of present amendment)
- (X) Exhibit D (copy of Webb et al., 1997, Lancet 349:1137-1141)
- (X) Exhibit E (Waters et al., 2000, J Clin Oncol. 18:1812-1823)
- (X) Exhibit F (Delihas, 2001, Curr Drug Targets 2:167-180)
- (X) Petition for Extension of Time Under 37 C.F.R. § 1.136(a) (in duplicate)

OTHER: _____

File No.: 10412-026-999

Sender: LAC/JZB/PYS

For Geneva
Can Filed
11/28/00

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